

Atty. Docket: 210481US00 (4081-05900)**Patent****REMARKS/ARGUMENTS*****Status of Claims***

Claims 1, 10-12, and 22 have been amended.

Claims 1-23 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

Allowable Subject Matter

Applicants note with appreciation that claims 9, 11-12, 18 and 22 would be allowable if rewritten in independent form. Claims 11-12 and 22 have therefore been rewritten in independent form and are now allowable. Applicants bring to the Examiner's attention that rewritten claim 22 omits the temperature range limitation from intervening dependent claim 21. Such omission was made in view of the Examiner's statement on page 4 of the office action that the prior art of record fails to teach or suggest "(3) a method of reducing the catalyst in the presence of carbon monoxide," which remains in rewritten claim 22 as the basis for patentability over the art of record.

Rejections under 35 USC § 112

Claims 6, 13, 20 and 21 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. In response, Applicants respectfully traverse this rejection on the basis that the use of the term "about" in conjunction with a numerical limitation is a commonly accepted and widely used practice before the U.S. Patent Office. Examples of issued patents containing the term "about" are legion, and there is no requirement that Applicants attempt to define an exact range or endpoint associated with use of the term "about." In fact, a requirement to do so is in express contravention to the primary purpose of using the term

Atty. Docket: 210481US00 (4081-05900)**Patent**

“about.” Applicants respectfully request that the Examiner reconsider and withdraw the § 112 rejection based on the use of the commonly accepted term “about.”

Rejections under 35 USC § 102

Claims 1-5, 7, 10, 14-17, 19 and 23 are rejected under 35 U.S.C. § 102 (b) as being anticipated by *Shamshoum* et al. (US 6,531,553). Applicants respectfully submit that *Shamshoum* does not establish a *prima facie* case of anticipation as to the amended claims. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants respectfully submit that *Shamshoum* does not teach each and every element set forth in amended independent claims 1 and 10. Specifically, *Shamshoum* does not teach or suggest the use of a well-known class of polymerization catalysts referred to in amended claims 1 and 10 as “a conventional calcined chromium catalyst.”

By way of background, catalysts for polymerizing olefins may be divided into well-known and widely accepted categories such as chromium (Cr) based catalysts, Ziegler-Natta catalysts (ZN), and metallocene catalysts. As is set forth in the Abstract and Field of the Invention, *inter alia*, *Shamshoum* relates to a conventional supported heterogeneous Ziegler-Natta catalyst in combination with a metallocene component, namely a cyclopentadienyl (Cp) component. In contrast, as set forth in the Field of the Invention, Applicants’ invention relates to catalyst systems comprising a chromium-based catalyst and a non-transition metal cyclopentadienyl cocatalyst. In short, the ZN/Cp combination set forth in *Shamshoum* is not the same as or equivalent to the Cr/Cp combination recited in the pending claims.

The Examiner relies upon col. 2, lines 52-57 as disclosing chromium. However, Applicants direct the Examiner’s attention to the entire text of lines 52-57, which makes clear that

*Atty. Docket: 210481US00 (4081-05900)**Patent*

use of chromium is in the context of a “**conventional supported Zeigler-Natta transition metal compound catalyst**” (emphasis added). In order to clearly distinguish Applicants’ chromium-based catalyst from *Shamshoum*’s ZN catalyst, Applicants have amended independent claims 1 and 10 to expressly recite a “conventional calcined chromium catalyst.” Applicants respectfully submit that such amendment makes clear that *Shamshoum*’s ZN/Cp combination is not the same as or equivalent to Applicants’ Cr/Cp combination. Given that *Shamshoum* does not teach or suggest each and every element of amended independent claims 1 and 10 (and likewise the remaining claims depending there from), Applicants respectfully submit that pending claims 1-10, 13-21, and 23 are patentable over the prior art of record.

*Atty. Docket: 210481US00 (4081-05900)**Patent*

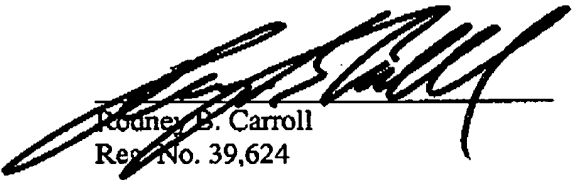
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated March 24, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Dallas, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

Date: 6-23-05


Rodney B. Carroll
Reg. No. 39,624

ATTORNEY FOR APPLICANTS

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
Tel: (972) 731-2288
Fax: (972) 731-2289